

## **Senate Bill No. 85**

### **CHAPTER 178**

An act to add Section 1940 to the Fish and Game Code, to amend Section 12536 of, and to amend and repeal Sections 12846 and 12846.5 of, the Food and Agricultural Code, to add Chapter 4 (commencing with Section 12890) to Part 2.5 of Division 3 of Title 2 of the Government Code, to amend Sections 25173.7, 25174, and 25330.4 of, and to amend and repeal Section 25330.6 of, the Health and Safety Code, to amend Sections 5818.1, 5818.2, and 32580 of, and to add Sections 716, 5003.19, 5096.829, 5096.954, 5096.955, and 14317 to, the Public Resources Code, and to add Section 142 to the Water Code, relating to the environment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 2007. Filed with  
Secretary of State August 24, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 85, Committee on Budget and Fiscal Review. Environment.

(1) Existing law establishes the Significant Natural Areas Program, administered by the Department of Fish and Game, which requires the department to maintain, expand, and keep current a data management system, designated the California Natural Diversity Data Base, designed to document information on natural resources.

Through the Vegetation Classification and Mapping Program, the department facilitates and oversees efforts to develop accurate and scientifically defensible maps and classifications of vegetation and habitat throughout the state to support conservation and management decisions at the local, regional, and state level.

The department has entered into a memorandum of understanding with other state and federal agencies to establish a cooperative vegetation and habitat mapping initiative to facilitate statewide joint data collection and processing, establish common mapping and classification standards across all ownership, and provide timely response to both state and federal information and analytical requirements.

This bill would require the department to undertake the development of a vegetation mapping standard for the state, in consultation with interested stakeholders. The bill would specify components of the standard. The bill would require the department to submit a report to the budget committee of each house of the Legislature, no later than January 10, 2008, that would provide the mapping standard and related information. The bill would authorize the department to adopt regulations to implement these provisions.

(2) Existing law creates the Food Safety Account within the Department of Pesticide Regulation Fund, the funds in which may be expended, upon

appropriation by the Legislature for pest management research purposes, to carry out the recommendations of the pest management advisory committee.

This bill would provide that transfers of moneys from the Department of Pesticide Regulation Fund to the Food Safety Account shall cease on June 30, 2007, and that, as of June 30, 2009, the Food Safety Account shall cease to exist. At that time, any balance in the account, or any outstanding liabilities and encumbrances of the account, shall be transferred to, or become those of, the Department of Pesticide Regulation Fund, as specified. The bill would authorize funds in the Department of Pesticide Regulation Fund to be expended instead, upon appropriation, for pest management grants. This bill would make other conforming changes.

(3) The Environmental Cleanup and Fee Reform Act of 1997 creates the Toxic Substances Control Account in the General Fund. Specified charges imposed on corporations handling hazardous materials are required to be deposited in that account. Existing law expresses the Legislature's intent that \$500,000 in that account should be appropriated in the annual Budget Act for the administration and collection of those charges.

This bill would instead declare that an amount should be appropriated in the annual Budget Act that does not exceed the costs incurred by the State Board of Equalization, a private party, or other public agency, to administer and collect those charges.

Existing law requires that the revenues from specified fees and charges imposed upon the management of hazardous waste be deposited into the Hazardous Waste Control Account in the General Fund. The money in that account may be appropriated to the Department of Toxic Substances Control for allocation to the State Board of Equalization to pay refunds of specified fees.

This bill would provide that the department may also allocate appropriated funds to the board for the administration and collection of hazardous waste fees that are deposited into the Hazardous Waste Control Account.

(4) Under existing law, the funds in the Toxic Substances Control Account in the General Fund may be appropriated to the Department of Toxic Substances Control for specified purposes, including the payment of the costs of removal and remedial action incurred by the state in response to a release of hazardous substances. The Controller is required to establish a separate subaccount in the Toxic Substances Control Account for any funds received from a settlement agreement for a removal or remedial action to be performed at a specific site. Existing law also establishes the Stringfellow Insurance Proceeds Account (Stringfellow Account) in the State Treasury and requires specified insurance funds recovered in connection with the Stringfellow Superfund Site in Riverside County be deposited in that account. The funds deposited in the Stringfellow Account are available for expenditure, upon appropriation by the Legislature, for activities related to the Stringfellow Superfund Site to fulfill a specified agreement.

This bill would require the funds in the Stringfellow Insurance Proceeds Account to be expended to carry out the 2002 Consent Decree. The

Stringfellow Account would become inoperative on July 1, 2013. A subaccount, operative on July 1, 2013, would be created in the state account as the successor fund to the Stringfellow Account. All assets, liabilities, and surplus in the Stringfellow Account would be transferred to, and become a part of, that subaccount. All appropriations made from the Stringfellow Account, to the extent encumbered, would continue to be available from the subaccount for expenditure for the same purposes and periods.

(5) The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas (GHG) emissions limit equivalent to the statewide GHG emissions levels in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions. The act requires all state agencies to consider and implement strategies to reduce their GHG emissions.

This bill would require specified state agencies to prepare and submit to the Secretary for Environmental Protection, in a standardized format as determined by the California Environmental Protection Agency, specified information relating to the state agency's GHG emissions, including a list of measures adopted and implemented by the agency to meet any GHG emission reduction targets, as defined, and a status report on GHG emissions reduced as a result of these measures. The California Environmental Protection Agency would be required to provide that information on its Internet Web site in the form of a state agency greenhouse gas emission reduction report card.

The bill would require that funds appropriated to the State Air Resources Board pursuant to Item 3900-001-0115 of the Budget Act of 2007, and used for market-based compliance mechanisms to be expended solely for the assessment and evaluation of potential market based compliance mechanisms, and not for adoption of implementation of those mechanisms, until the State Air Resources Board has taken specified actions and would require these funds to be spent to assess and evaluate all potential market-based compliance mechanisms.

(6) Existing law authorizes the Department of Finance, until January 1, 2009, to delegate to the Department of Parks and Recreation the right to exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services, to plan, design, construct, and administer contracts and professional services for legislatively approved capital outlay projects. Existing law authorizes the Department of Finance to revoke that delegation at any time before January 1, 2009.

This bill would authorize the Department of Finance to delegate to the Department of Forestry and Fire Protection the right to exercise that same

authority, and would authorize the Department of Finance to revoke the delegation at any time.

(7) Under existing law, the Department of Parks and Recreation is required to operate, manage, and maintain units of the state park system. Existing law regulates the sale of surplus state property.

This bill would authorize the Director of the Department of Parks and Recreation to grant to the City of Santa Cruz, subject to specified conditions, all of the rights, title, and interest of the State of California in approximately 37.6 acres, known as Lighthouse Field State Beach, in the County of Santa Cruz. The bill would require that the real property conveyed be operated, maintained, and improved by the City of Santa Cruz for park purposes. The bill would require Attorney General review and approval of the deposit of the net proceeds from the transfer.

(8) The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The act makes available, upon appropriation to the Department of Water Resources, \$3,000,000,000 for purposes relating to the State Plan of Flood Control and reducing the risk of levee failure in the Sacramento-San Joaquin Delta.

This bill would require the department, beginning November 1, 2007, and quarterly thereafter until funds are liquidated, to prepare and submit to the Joint Legislative Budget Committee a report that includes prescribed information relating to the expenditure of that \$3,000,000,000. The department would be required to adopt emergency regulations to implement a specified provision of the Water Code that governs the payment of certain nonfederal costs associated with a federal-state flood control project. The bill would prohibit the department from requiring a local cost-share for certain specified levee evaluations.

(9) Existing law establishes the Coastal Wetlands Fund in the State Treasury and requires the fund to be an interest-bearing fund administered by the Department of Fish and Game. Existing law prohibits the principal of the Coastal Wetlands Fund from being expended, and requires the fund to be maintained so that the interest earned on the fund provides a continuous funding source for wetlands maintenance. Existing law requires that 60% of the interest appropriated be allocated to the Department of Fish and Game for maintenance of coastal wetlands owned by the department and that the remaining 40% be allocated to the State Coastal Conservancy for expenditure in the form of grants for maintenance of coastal wetlands property owned by the state, a conservancy of the state, a local government agency, or a nonprofit organization, as specified.

This bill would delete the prohibition regarding the expenditure of the principal of that fund and would repeal the existing formula for the allocation of the fund. The bill would instead authorize the funds in the Coastal Wetlands Fund to be expended by the Department of Fish and Game and the State Coastal Conservancy, upon appropriation by the Legislature, for

the maintenance of coastal wetlands property owned by the state, a conservancy of the state, a local government agency, or a nonprofit organization. The bill would allow those funds to be expended in the form of grants.

(10) The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002, approved by the voters as Proposition 40 on March 5, 2002, made \$15,000,000 in bond funds available for grants to local conservation corps for acquisition and development of facilities to support local conservation corps programs.

This bill would authorize the Sacramento Local Conservation Corps, certified by the California Conservation Corps, to sell a certain parcel located in Sacramento County that was purchased with a portion of those bond funds. The bill would require the net proceeds from the sale to be used only towards the purchase of another certain parcel located within Sacramento County. The bill would also require the sale to be at no less than fair market value and approved by the California Conservation Corps, and the purchase to be at no more than fair market value and also approved by the California Conservation Corps.

The bill would require that any net proceeds from the sale of that certain parcel in excess of the purchase price of the other certain parcel shall revert to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund, and would appropriate that sum from the fund to the California Conservation Corps for local assistance.

(11) Existing law establishes the Baldwin Hills Conservancy to acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open space, wildlife habitat restoration and protection, and lands for educational uses within the area. Existing law provides that the conservancy will remain in effect until January 1, 2008.

This bill would extend the repeal date for the conservancy to January 1, 2018.

(12) Under existing law, the Department of Water Resources operates the State Water Project and exercises other functions relating to the state's water resources. The department is authorized to enter into contracts and agreements in connection with the State Water Project. The California Global Warming Solutions Act of 2006 requires state agencies to consider and implement strategies to reduce their greenhouse gas emissions.

Existing law authorizes the department to enter into contracts for the purchase of electric power and to sell power to retail end-use customers and, with specified exceptions, to local publicly owned electric utilities at not more than the department's acquisition costs. The department is prohibited from entering into new contracts for the purchase of electric power on and after January 2, 2003, for resale to retail end-use customers and to local publicly owned electric utilities.

This bill would require the department to comply with the greenhouse gas emission standards adopted by the Public Utilities Commission for a local publicly owned electric utility, to use reasonable, feasible, and cost-effective efforts to use energy efficiently, and to increase its use of

renewable energy in its water operations and in its renegotiation of existing electricity contracts for retail end-use customers and local publicly owned electric utilities. On or before March 1, 2008, and at least once every year thereafter until December 21, 2015, the department would be required to report to the Legislature and the Governor on the status of contracts it has for fossil fuel generated electricity and its efforts to reduce its dependency on fossil fuels, and on changes to the portfolio of existing energy contracts.

(13) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1940 is added to the Fish and Game Code, to read: 1940. (a) The Department of Fish and Game shall undertake the development of a vegetation mapping standard for the state.

(b) The development of a state vegetation mapping standard by the department shall be done in consultation with interested stakeholders, including, but not limited to, government agencies, nongovernmental conservation organizations, landowners, agriculture, recreation, scientific entities, and industry. Components of the standard shall include the following:

(1) A published classification system for all natural and seminatural vegetation communities present in California with sufficient detail to meet the analytical needs of government and nongovernment entities. The classification shall be consistent with national standards adopted by the Federal Geographic Data Committee.

(2) Methods for field data collection, image interpretation, and digital map production and attribution.

(3) Manuals, training materials, tools, and database structures for use by parties interested in performing vegetation mapping according to the standard.

(4) Documented methods for performing postproject accuracy assessments to quantify that validity of the work. Private and public landowners shall be given reasonable opportunity to review, and comment on the accuracy of, the data collected on their lands.

(5) Mechanisms for integrating new map products that meet the standard into a cohesive database with the intent of eventually completing statewide coverage.

(c) The department shall submit a report to the budget committee of each house of the Legislature no later than January 10, 2008, providing its mapping standard and advising how the department will ensure that its standard will be updated to reflect changing technology and serve as the state's center of expertise on vegetation mapping.

(d) The department may adopt regulations to implement this section.

SEC. 2. Section 12536 of the Food and Agricultural Code is amended to read:

12536. (a) The director, by regulation, shall establish a pest management advisory committee, specifying, as appropriate, the scope and purpose of its advisory role, membership requirements, and operating procedures. The director, or his or her designee, shall serve as chairperson of the committee and the secretary, or his or her designee, shall serve as vice chairperson of the committee. At a minimum, the committee shall assist the department in identifying, facilitating, and promoting environmentally sound pest management practices and pest management systems.

(b) Funds in the Department of Pesticide Regulation Fund may be expended, upon appropriation, for pest management grants, and upon the joint decision of the chairperson and vice chairperson, to carry out the recommendations of the pest management advisory committee.

SEC. 3. Section 12846 of the Food and Agricultural Code is amended to read:

12846. (a) The Food Safety Account is hereby created in the Department of Pesticide Regulation Fund. The funds in the account shall be used, upon appropriation, for the purposes of Sections 12535, 12797, 12798, 12979, 13134 and 13135 of this code and Section 110495 of the Health and Safety Code.

(b) As of June 30, 2009, the Food Safety Account shall cease to exist and any balance in the account shall revert to the Department of Pesticide Regulation Fund. Any outstanding liabilities and encumbrances of the Food Safety Account as of June 30, 2009, shall become liabilities and encumbrances payable from the Pesticide Regulation Fund.

(c) This section shall remain in effect until January 1, 2010, and as of that date is repealed.

SEC. 4. Section 12846.5 of the Food and Agricultural Code is amended to read:

12846.5. (a) Sufficient moneys from the Department of Pesticide Regulation Fund, as determined by the Director of Pesticide Regulation, shall be transferred to the Food Safety Account until June 30, 2007, for the purposes of Section 12846, except that no fees or assessments deposited into the fund shall be transferred to the account and used for nonregulatory purposes.

(b) This section shall remain in effect until January 1, 2008, and as of that date is repealed.

SEC. 5. Chapter 4 (commencing with Section 12890) is added to Part 2.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 4. STATE AGENCY GREENHOUSE GAS REDUCTION REPORT  
CARD

12890. The Legislature finds and declares all of the following:

(a) The California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) requires all state agencies to consider and implement measures to reduce their greenhouse gas emissions.

(b) Executive Order S-3-05 issued by the Governor on June 1, 2005, commits state agencies to climate emission reduction targets as part of overall state emission reduction targets.

(c) It is vital that state government lead by example in meeting California's greenhouse gas emission requirements.

(d) The purpose of this chapter is to do all of the following:

(1) Ensure that state agencies consider and implement measures and strategies under their authority to reduce their greenhouse gas emissions in furtherance of the targets in the Climate Action Team Report and the California Global Warming Solutions Act of 2006.

(2) Establish routine, quantified, verified, consistent, and public reporting of those measures and their effectiveness in reducing greenhouse gas emissions.

(3) Ensure that these reports and metrics are independently audited and verified to achieve compliance.

12891. For the purposes of this chapter, the following terms have the following meanings:

(a) "Agency" means the California Environmental Protection Agency.

(b) "Climate Action Team Report" means the report prepared pursuant to Executive Order S-3-05 and submitted to the Governor and the Legislature in March 2006.

(c) "GHG" means greenhouse gas as defined in subdivision (g) of Section 38505 of the Health and Safety Code.

(d) "GHG emission reduction target" means a target established for a state agency in the Climate Action Team Report, or a requirement made applicable to that state agency by an action taken by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(e) "Secretary" means the Secretary for Environmental Protection.

(f) "State agency" means a state agency listed in the Climate Action Team Report, a state office, department, division, bureau, board, or commission whose operations or programs result in greenhouse gas emissions that are subject to Division 25.5 (commencing with Section 38500) of the Health and Safety Code, and any other state agency listed in Section 12800, as determined by the secretary.

12892. (a) On or before January 1, 2008, then on October 1, 2008, and annually thereafter, each state agency shall prepare and submit to the secretary in a standardized format as determined by the agency both of the following:

(1) A list of those measures that have been adopted and implemented by the state agency to meet GHG emission reduction targets and a status report on actual GHG emissions reduced as a result of these measures.



(2) A list and timetable for adoption of any additional measures needed to meet GHG emission reduction targets.

(b) In order to reduce paperwork and workload, information required to be submitted pursuant to this section may be submitted in a standardized electronic format as determined by the agency.

(c) On or before March 1, 2008, and then on January 1, 2009, and annually thereafter, the agency shall compile and organize the information submitted pursuant to this section into a clear, standardized format, and shall provide that information on the agency's Internet Web site in the form of a state agency greenhouse gas emission reduction report card.

(d) The report card shall compare the actions taken and proposed to be taken by individual state agencies and their projected annual GHG emission reductions against the state agency GHG emission reduction targets and statewide GHG emission reduction limits.

(e) Where appropriate, the report card shall include a statement regarding the independent audits required by Section 12893.

12893. Not less than once every three years, each state agency reporting pursuant to Section 12892 shall, to the extent funds are available, conduct an independent audit in a standardized format determined by the agency and verification of the actual and proposed GHG emissions reductions achieved by that state agency in order to ensure that the state agency is achieving GHG emission reduction targets.

SEC. 6. Section 25173.7 of the Health and Safety Code is amended to read:

25173.7. (a) It is the intent of the Legislature that funds deposited in the Toxic Substances Control Account shall be appropriated in the annual Budget Act each year in the following manner:

(1) Not less than six million seven hundred fifty thousand dollars (\$6,750,000) to the Site Remediation Account in the General Fund for direct site remediation costs, as defined in Section 25337. The amount specified in this paragraph shall be increased in any fiscal year by the amount of increased revenues specified by the Legislature in the Budget Act for that fiscal year pursuant to subdivision (g) of Section 25205.6.

(2) Not less than four hundred thousand dollars (\$400,000) to the Expedited Site Remediation Trust Fund in the State Treasury, created pursuant to subdivision (a) of Section 25399.1, for purposes of paying the orphan share of response costs pursuant to Chapter 6.85 (commencing with Section 25396).

(3) An amount that does not exceed the costs incurred by the State Board of Equalization, a private party, or other public agency, to administer and collect the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) and deposited into the Toxic Substances Control Account, for the purpose of reimbursing the State Board of Equalization, public agency, or private party, for those costs.

(4) Commencing with the 1999–2000 fiscal year and annually thereafter, not less than one million fifty thousand dollars (\$1,050,000) for purposes of establishing and implementing a program pursuant to Sections 25244.15.1,

25244.17.1, 25244.17.2, 25244.22, and 25244.24 to encourage hazardous waste generators to implement pollution prevention measures.

(5) Funds not appropriated as specified in paragraphs (1) to (4), inclusive, may be appropriated for any of the purposes specified in subdivision (b) of Section 25173.6, except the purposes specified in subparagraph (C) of paragraph (1) of, and paragraph (14) of, subdivision (b) of Section 25173.6.

(b) (1) The amounts specified in paragraphs (1) to (3), inclusive, of subdivision (a) are the amounts that the Legislature intends to appropriate for the 1998–99 fiscal year for the purposes specified in those paragraphs, and the amount specified in paragraph (4) of subdivision (a) is the amount the Legislature intends to appropriate for the 1999–2000 fiscal year for the purposes specified in that paragraph. Beginning with the 1999–2000 fiscal year, and for each fiscal year thereafter, the amounts specified in paragraphs (1) to (3), inclusive, of subdivision (a), and beginning with the 2000–01 fiscal year, and for each fiscal year thereafter, the amount specified in paragraph (4) of subdivision (a) shall be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(2) Notwithstanding paragraph (1), the department may, upon the approval of the Legislature in a statute or the annual Budget Act, take either of the following actions:

(A) Reduce the amounts specified in paragraphs (1) to (4), inclusive, of subdivision (a), if there are insufficient funds in the Toxic Substances Control Account.

(B) Suspend the transfer specified in paragraph (2) of subdivision (a), if there are no orphan shares pending payment pursuant to Chapter 6.85 (commencing with Section 25396).

SEC. 7. Section 25174 of the Health and Safety Code is amended to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25174.1, 25205.2, 25205.5, 25205.15, and 25205.16.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the administration and implementation of this chapter.

(2) To the department for allocation to the State Board of Equalization to pay refunds of fees collected pursuant to Sections 43051 and 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) that are deposited into the Hazardous Waste Control Account.

(3) To the department for the costs of performance or review of analyses of past, present, or potential environmental public health effects related to toxic substances, including extremely hazardous waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

(4) (A) To the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of this chapter.

(B) Notwithstanding subdivision (c), expenditures for the purposes of this paragraph shall not be subject to an interagency or interdepartmental agreement.

(C) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds appropriated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph and subdivision (c) of Section 25173.6. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(D) Nothing in subparagraph (C) shall require the Attorney General to report on any confidential or investigatory matter.

(5) To the department, on and after July 1, 1999, for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(c) (1) Except for the appropriation to the office of the Attorney General pursuant to paragraph (4) of subdivision (b), expenditures from the Hazardous Waste Control Account for support of state agencies other than the department shall, upon appropriation by the Legislature to the department, be subject to an interagency or interdepartmental agreement between the department and the state agency receiving the support.

(2) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the State Board of Equalization, as specified in paragraph (2) of

subdivision (b) and in paragraph (3) of subdivision (b) of Section 25173.6, for the upcoming fiscal year.

(3) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the State Board of Equalization, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the State Board of Equalization, the private party, or other public agency, for the administration and collection of those fees.

(d) With respect to expenditures for the purposes of paragraphs (1) and (3) of subdivision (b) and paragraphs (1) and (2) of subdivision (b) of Section 25173.6, the department shall, at the time of the release of the annual Governor's Budget, also make available the budgetary amounts and allocations of staff resources of the department proposed for the following activities:

(1) The department shall identify, by permit type, the projected allocations of budgets and staff resources for hazardous waste facilities permits, including standardized permits, closure plans, and postclosure permits.

(2) The department shall identify, with regard to surveillance and enforcement activities, the projected allocations of budgets and staff resources for the following types of regulated facilities and activities:

(A) Hazardous waste facilities operating under a permit or grant of interim status issued by the department, and generator activities conducted at those facilities. This information shall be reported by permit type.

(B) Transporters.

(C) Response to complaints.

(3) The department shall identify the projected allocations of budgets and staff resources for both of the following activities:

(A) The registration of hazardous waste transporters.

(B) The operation and maintenance of the hazardous waste manifest system.

(4) The department shall identify, with regard to site mitigation and corrective action, the projected allocations of budgets and staff resources for the oversight and implementation of the following activities:

(A) Investigations and removal and remedial actions at military bases.

(B) Voluntary investigations and removal and remedial actions.

(C) State match and operation and maintenance costs, by site, at joint state and federally funded National Priority List Sites.

(D) Investigation, removal and remedial actions, and operation and maintenance at the Stringfellow Hazardous Waste Site.

(E) Investigation, removal and remedial actions, and operation and maintenance at the Casmalia Hazardous Waste Site.

(F) Investigations and removal and remedial actions at nonmilitary, responsible party lead National Priority List Sites.

(G) Preremedial activities under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

(H) Investigations, removal and remedial actions, and operation and maintenance at state-only orphan sites.

(I) Investigations and removal and remedial actions at nonmilitary, non-National Priority List responsible party lead sites.

(J) Investigations, removal and remedial actions, and operation and maintenance at Expedited Remedial Action Program sites pursuant to Chapter 6.85 (commencing with Section 25396).

(K) Corrective actions at hazardous waste facilities.

(5) The department shall identify, with regard to the regulation of hazardous waste, the projected allocation of budgets and staff resources for the following activities:

(A) Determinations pertaining to the classification of hazardous wastes.

(B) Determinations for variances made pursuant to Section 25143.

(C) Other determinations and responses to public inquiries made by the department regarding the regulation of hazardous waste and hazardous substances.

(6) The department shall identify projected allocations of budgets and staff resources needed to do all of the following:

(A) Identify, remove, store, and dispose of, suspected hazardous substances or hazardous materials associated with the investigation of clandestine drug laboratories.

(B) Respond to emergencies pursuant to Section 25354.

(C) Create, support, maintain, and implement the railroad accident prevention and immediate deployment plan developed pursuant to Section 7718 of the Public Utilities Code.

(7) The department shall identify projected allocations of budgets and staff resources for the administration and implementation of the unified hazardous waste and hazardous materials regulatory program established pursuant to Chapter 6.11 (commencing with Section 25404).

(8) The department shall identify the total cumulative expenditures of the Regulatory Structure Update and Site Mitigation Update projects since their inception, and shall identify the total projected allocations of budgets and staff resources that are needed to continue these projects.

(9) The department shall identify the total projected allocations of budgets and staff resources that are necessary for all other activities proposed to be conducted by the department.

(e) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds which are required to be deposited into the Hazardous Waste Control Account or the Toxic Substances Control Account, the department, with the approval of the Secretary for Environmental Protection, may take any of the following actions:

(1) Assume responsibility for, or enter into a contract with a private party or with another public agency, other than the State Board of Equalization,

for the collection of any fees, surcharges, fines, penalties and funds described in subdivision (a) or otherwise described in this chapter or Chapter 6.8 (commencing with Section 25300), for deposit into the Hazardous Waste Control Account or the Toxic Substances Control Account.

(2) Administer, or by mutual agreement, contract with a private party or another public agency, for the making of those determinations and the performance of functions that would otherwise be the responsibility of the State Board of Equalization pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if those activities and functions for which the State Board of Equalization would otherwise be responsible become the responsibility of the department or, by mutual agreement, the contractor selected by the department.

(f) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the State Board of Equalization, the department shall be responsible for ensuring that persons who are subject to the fees specified in subdivision (e) have equivalent rights to public notice and comment, and procedural and substantive rights of appeal, as afforded by the procedures of the State Board of Equalization pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the administrative adjustment of fee rates and the administrative appeal of any fees or penalty assessments made pursuant to this section may only be assigned by the department to a public agency.

(g) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the State Board of Equalization, the department shall have equivalent authority to make collections and enforce judgments as provided to the State Board of Equalization pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Unpaid amounts, including penalties and interest, shall be a perfected and enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

(h) The department, with the concurrence of the Secretary for Environmental Protection, shall determine which administrative functions should be retained by the State Board of Equalization, administered by the department, or assigned to another public agency or private party pursuant to subdivisions (e), (f), and (g).

(i) The department may adopt regulations to implement subdivisions (e) to (h), inclusive.

(j) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(k) The department shall establish, within the Hazardous Waste Control Account, a reserve of at least one million dollars (\$1,000,000) each year to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls.

(l) When the department prepares the annual report required by Section 10359 of the Public Contract Code, the department shall, in addition to providing the information required by that section, include all of the following information:

- (1) The source of funding for each contract.
- (2) The statutory authorization, if applicable, for each contract.

SEC. 8. Section 25330.4 of the Health and Safety Code is amended to read:

25330.4. (a) Notwithstanding any other provision of law, the Controller shall establish a separate subaccount in the state account, for any funds received from a settlement agreement or the General Fund for a removal or remedial action to be performed at a specific site.

(b) Notwithstanding Section 13340 of the Government Code, funds deposited in the subaccount for those removal or remedial actions are hereby continuously appropriated to the department, without regard to fiscal years, for removal or remedial action at the specific site, and for administrative costs associated with the removal or remedial action at the specific site.

(c) Notwithstanding any other provision of law, money in the subaccount for those removal or remedial actions shall not revert to the General Fund or be transferred to any other fund or account in the State Treasury, except for purposes of investment as provided in Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code.

(d) Notwithstanding Section 16305.7 of the Government Code, all interest or other increment resulting from investment of the funds specified in subdivision (a) pursuant to Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code shall be deposited in the subaccount for removal or remedial action at the specific sites.

(e) At the conclusion of all removal or remedial actions at the specific site, any unexpended funds in any subaccounts established pursuant to this section shall be transferred to the subaccount for site operation and maintenance established pursuant to Section 25330.5, if necessary, for those activities at the site, or, if not needed for site operation and maintenance at the site, to the Toxic Substances Control Account.

(f) (1) There is hereby created a subaccount in the state account as the successor fund to the Stringfellow Insurance Proceeds Account created pursuant to former Section 25330.6, as that section read on January 1, 2013. All assets, liabilities, and surplus in the Stringfellow Insurance Proceeds Account shall be transferred to, and become a part of, this subaccount for the Stringfellow Superfund Site in Riverside County, as provided in Section 16346 of the Government Code. All appropriations from the Stringfellow Insurance Proceeds Account, to the extent encumbered, shall continue to

be available from the subaccount for expenditure for the same purposes and periods.

(2) This subdivision shall become operative on July 1, 2013.

SEC. 9. Section 25330.6 of the Health and Safety Code is amended to read:

25330.6. (a) The Stringfellow Insurance Proceeds Account is hereby created in the State Treasury and shall be administered by the director.

(b) The funds deposited in the account are available for expenditure, upon appropriation by the Legislature, for activities related to the Stringfellow Superfund Site in Riverside County, to carry out the 2002 Consent Decree, incorporating the 2002 Memorandum of Understanding and the December 1998 Stringfellow Site Agreement between the state and the participating defendants, as defined in those agreements, to the extent any portion of those agreements remain in force and effect.

(c) Funds in the account appropriated by the Legislature for contract costs for investigation, removal, remedial, or operation and maintenance activities at the Stringfellow Superfund Site are available for encumbrance for three fiscal years, including the fiscal year in which the funds are appropriated, and are available for disbursement in liquidation of encumbrances pursuant to Section 16304.1 of the Government Code.

(d) Any requirement that insurance proceeds recovered by the state in connection with the Stringfellow Superfund Site be deposited in the account and distributed under the terms of the 1998 Site Agreement, is hereby declared null and void, in accordance with the 2002 Consent Decree specified in subdivision (b).

(e) This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 716 is added to the Public Resources Code, to read:

716. (a) Notwithstanding any other provision of law, the Department of Finance may delegate to the department the right to exercise the same authority granted to the Division of the State Architect and the Real Estate Services Division in the Department of General Services, to plan, design, construct, and administer contracts and professional services for, legislatively approved capital outlay projects.

(b) Any right afforded to the department pursuant to subdivision (a) to exercise project planning, design, construction, and administration of contracts and professional services may be revoked, in whole or in part, by the Department of Finance at any time.

SEC. 11. Section 5003.19 is added to the Public Resources Code, to read:

5003.19. (a) Notwithstanding the provisions of Division 3 (commencing with Section 11000) of Title 2 of the Government Code that relate to the disposition of state-owned real property, the director may grant to the City of Santa Cruz, subject to the conditions set forth in this section, all of the



rights, title, and interest of the state in approximately 37.6 acres, known as Lighthouse Field State Beach, in the County of Santa Cruz.

(b) The grant is subject to all of the following conditions:

(1) The real property conveyed shall be operated, maintained, and improved by the City of Santa Cruz for park purposes in perpetuity, consistent with any covenants, conditions, and restrictions in the deed transferring the property.

(2) The City of Santa Cruz shall pay the department fair market value, in accordance with mutually agreed upon terms, for the real property conveyed and as restricted by paragraph (1). The fair market value shall be determined by an appraisal that is reviewed and approved by the Department of General Services.

(3) The net proceeds from the transfer shall be deposited pursuant to Section 5003.15, with Attorney General review and approval.

(c) The Legislature finds and declares that the transfer to the City of Santa Cruz of the real property described in subdivision (a) and subject to the conditions specified in subdivision (b) is excepted from the provisions of Section 5096.516 in accordance with paragraph (3) of subdivision (c) of Section 5096.516.

SEC. 12. Section 5096.829 is added to the Public Resources Code, to read:

5096.829. (a) The department shall, beginning November 1, 2007, and quarterly thereafter until funds authorized by this chapter are liquidated, prepare and submit to the Joint Legislative Budget Committee a report that includes information relating to funds expended by the department during the time period pursuant to Section 5096.821. This report shall include all of the following:

- (1) The project name.
- (2) The physical location of the project, including the county or counties where the project is located.
- (3) A description of the project and the scope of the work to be performed.
- (4) The date of approval of the project, or the date a contract was let for the project work.
- (5) The estimated cost of the project at the time of project approval.
- (6) The actual cost of the project, to date.
- (7) An estimated project schedule.
- (8) An explanation of any increased project costs over the initial estimate, including changes in conditions or scope of the project.

(b) For the report due on November 1, 2008, and each November 1 thereafter, the report shall include all of the following:

- (1) The report requirements set forth in subdivision (a).
- (2) Identification of the actual amount of funds appropriated in the previous fiscal year to implement provisions of Section 5096.821.
- (3) Identification of the actual amount of funds expended in the previous fiscal year pursuant to the appropriations specified in paragraph (2).

(c) Each project shall continue to be listed in the report for one quarter after all project costs are paid.

(d) (1) It is the intent of the Legislature that the Department of Water Resources seek all applicable federal funding for flood control projects.

(2) It is the intent of the Legislature that the department notify the federal government when the state pays the costs associated with the federal cost-share of levee repair and improvement projects, with the intent that those costs may be recouped from the federal government in the future.

SEC. 13. Section 5096.954 is added to the Public Resources Code, to read:

5096.954. On or before January 1, 2008, the department shall adopt emergency regulations to implement Section 12585.7 of the Water Code.

SEC. 14. Section 5096.955 is added to the Public Resources Code, to read:

5096.955. (a) For the purposes of any levee evaluation activities funded by the department, the department shall not require a local cost-share for the following levee evaluations:

(1) Evaluations of levees that are part of the facilities of the State Plan of Flood Control.

(2) Evaluations of levees located in the Central Valley that are not part of the State Plan of Flood Control, and that protect an urban area, as defined by subdivision (k) of Section 5096.805.

(3) Evaluations of levees chosen to be performed by the department as part of an effort to protect critical water conveyance infrastructure through the Sacramento-San Joaquin Delta.

(b) The department shall identify the levees described in paragraph (2) of subdivision (a) in the Bond Expenditure Disaster Preparedness and Flood Prevention Plan described in Section 5096.821 and notify the Governor and the Legislature of the location of these levees.

SEC. 15. Section 5818.1 of the Public Resources Code is amended to read:

5818.1. The Coastal Wetlands Fund is hereby established in the State Treasury and shall be an interest-bearing fund administered by the Department of Fish and Game.

SEC. 16. Section 5818.2 of the Public Resources Code is amended to read:

5818.2. (a) (1) The funds in the Coastal Wetlands Fund may be expended by the Department of Fish and Game and the State Coastal Conservancy, upon appropriation by the Legislature, for the maintenance of coastal wetlands property owned by the state, a conservancy of the state, a local government agency, or a nonprofit organization.

(2) The funds in the Coastal Wetlands Fund may be expended by the state pursuant to this section in the form of grants.

(3) An applicant may apply to the State Coastal Conservancy for a grant pursuant to the grant application procedures in Division 21 (commencing with Section 31000), to perform maintenance of coastal wetlands property owned by the state, a conservancy of the state, a local government agency, or a nonprofit organization.

(b) The Department of Fish and Game and the State Coastal Conservancy may accept contributions to the Coastal Wetlands Fund. The sources of contributions that may be accepted include, but are not limited to, private individuals and organizations, nonprofit organizations, and federal, state, and local agencies including special districts. The contributions accepted may include money identified pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) or the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) as acceptable mitigation for development projects. The Department of Fish and Game and the State Coastal Conservancy shall deposit a contribution accepted pursuant to this subdivision in the Coastal Wetlands Fund, subject to the requirements of Section 5818.1.

SEC. 17. Section 14317 is added to the Public Resources Code, to read: 14317. (a) The Legislature finds and declares all of the following:

(1) By authorizing the Sacramento Local Conservation Corps to sell one of its existing buildings and purchase another building, the corps would be able to consolidate and improve its operations and ensure the safety of its members.

(2) The purpose of the purchase of another building is to provide a permanent residence for the Sacramento Local Conservation Corps.

(3) The purchase of another building is consistent with the intended purpose of the Proposition 40 (the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002) grant to the Sacramento Local Conservation Corps that was used to purchase the existing building.

(4) However, that grant required the Sacramento Local Conservation Corps to “use the property only for the purpose for which the grant was made and to make no other use, sale or other disposition of the property, except as authorized by a specific act of the Legislature.”

(b) The Sacramento Local Conservation Corps, certified by the California Conservation Corps pursuant to this division, may sell APN 036-0181-011 located in the County of Sacramento, which was purchased with bond funds pursuant to paragraph (2) of subdivision (e) of Section 5096.650.

(c) The sale of APN 036-0181-011 shall be subject to all of the following conditions:

(1) The sale of APN 036-0181-011 shall be at no less than fair market value and shall be approved by the California Conservation Corps.

(2) The net proceeds from the sale of APN 036-0181-011 shall be used only towards the purchase of APN 036-0031-026 located in the County of Sacramento.

(3) The purchase of APN 036-0031-026 shall be at no more than fair market value and shall be approved by the California Conservation Corps.

(4) Any net proceeds from the sale of APN 036-0181-011, in excess of the purchase price of APN 036-0031-026, shall revert to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund created pursuant to Section 5096.610, and are hereby appropriated from that fund to the California Conservation Corps for local assistance.

(5) The Sacramento Local Conservation Corps shall only use APN 036-0031-026 for corps purposes and shall not lease or rent APN 036-0031-026 to other occupants.

SEC. 18. Section 32580 of the Public Resources Code is amended to read:

32580. This division shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 19. Section 142 is added to the Water Code, to read:

142. (a) In order to reduce greenhouse gas emissions associated with water and energy usage, on and after January 1, 2008, the department shall do all of the following:

(1) Comply with the same greenhouse gas emissions performance standards adopted pursuant to Section 8341 of the Public Utilities Code for a local publicly owned electric utility for new electricity contracts.

(2) Use reasonable, feasible, and cost-effective efforts to use energy efficiently, and to increase use of renewable energy in the department's water operations and in the renegotiation of existing electricity contracts entered into pursuant to Division 27 (commencing with Section 80000).

(b) On or before March 1, 2008, and at least once every year thereafter until December 31, 2015, the department shall report to the Legislature and the Governor on the implementation of this section, including, but not limited to, all of the following:

(1) The status of any contracts it has for fossil fuel generated electricity and its efforts to reduce its dependency on fossil fuels.

(2) Changes to the portfolio of existing energy contracts entered into pursuant to Division 27 (commencing with Section 80000) that have occurred, or are expected to occur, that will alter the contracts' costs, term, or quantity, or the composition of resources used to deliver power under the contracts.

SEC. 20. (a) It is the intent of the Legislature that the Department of Water Resources seek all applicable federal funding for flood control projects.

(b) It is the intent of the Legislature that the Department of Water Resources seek reimbursement or credit from the federal government for, and notify the federal government of, any expenditures by the state associated with the federal cost-share of levee repair and improvement projects, with the intent that those costs may be recouped from the federal government in the future.

SEC. 21. Funds appropriated to the State Air Resources Board pursuant to Item 3900-001-0115 of the Budget Act of 2007, and used for market-based compliance mechanisms as defined in subdivision (k) of Section 38505 of the Health and Safety Code, shall be expended as follows:

(a) Funds may be spent solely for the assessment and evaluation of potential market based compliance mechanisms, and not for adoption of implementation of those mechanisms, until the State Air Resources Board has complied with all applicable requirements of Division 25.5 (commencing

with Section 38500) of the Health and Safety Code, including, but not limited to, the development and approval of a scoping plan pursuant to Section 38561 of the Health and Safety Code, and compliance with subdivision (b) of Section 38570 of the Health and Safety Code.

(b) Funds shall be spent to assess and evaluate all potential market-based compliance mechanisms, as defined in subdivision (k) of Section 38505 of the Health and Safety Code, and not solely to assess and evaluate the system described in paragraph (1) of subdivision (k) of Section 38505 of the Health and Safety Code.

SEC. 22. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2007 at the earliest possible time, it is necessary that this act take effect immediately.